

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TYRONE GREEN,

Plaintiff,

v.

MARTIN HORN, et al.,

Defendants.

Civil Action No. 03-149 Erie

MEMORANDUM ORDER

This civil rights action was received by the Clerk of Court on May 2, 2003, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 99], filed on May 9, 2006, recommended that the motion for summary judgment filed by Plaintiff against Defendants Baker and John Doe [Doc. No. 77] be denied; the motion for summary judgment filed by Defendants Baker and Telega [Doc. No. 83] be granted; the motion to dismiss or for summary judgment filed by Defendants Barr, Brennan, Wolfe and Overton [Doc. No. 86] be granted; and Plaintiff's claim against Defendant John Doe be dismissed pursuant to 28 U.S.C. §§ 1915(e)(2), 1915A and 42 U.S.C. § 1997e(c).

The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail and on Defendants. Plaintiff filed objections [Doc. No. 100] on May 18, 2006, and Defendants Baker and Telega filed a response to Plaintiff's objections [Doc. No. 103] on May 23, 2006. After de novo review of the motion and documents in the case, together with the Report and Recommendation, the objections and response thereto, the following order is entered:

AND NOW, this 30th day of May, 2006;

IT IS HEREBY ORDERED that the motion for summary judgment filed by Plaintiff against Defendants Baker and John Doe [Doc. No. 77] is DENIED; the motion for summary judgment filed by Defendants Baker and Telega [Doc. No. 83] is

GRANTED; the motion to dismiss or for summary judgment filed by Defendants Barr, Brennan, Wolfe and Overton [Doc. No. 86] is GRANTED; and Plaintiff's claim against Defendant John Doe is DISMISSED pursuant to 28 U.S.C. §§ 1915(e)(2), 1915A and 42 U.S.C. § 1997e(c).

The Report and Recommendation [Doc. No. 99] of Magistrate Judge Baxter, filed on May 9, 2006, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge